



## **CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES**

**Department:** Human Resource Management  
**Subject:** Background Check Policy for County Volunteers

**Policy Number:** 6-25  
**Supersedes:** New  
**Date Issued:** 09/01/01

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### **I. PURPOSE**

The purpose of this policy is to require background checks on all volunteers for county departments, including volunteer rescue squads, who will provide services to juveniles in order to preserve the safety and well-being of children served by the county. The county will not permit individuals to work with children if they have ever demonstrated criminal conduct incompatible with service to or care of children.

### **II. IMPLEMENTATION**

- A. Each county department and rescue squad shall determine in conjunction with the Department of Human Resource Management ("HRM") the volunteer positions that shall be subject to this policy. ("Juvenile Services Position.") Volunteers in the police department are excluded from this policy since they complete a more detailed background investigation to volunteer.
- B. Each department and rescue squad shall be responsible for submitting to HRM for each Juvenile Services Position an executed Release form (See ATTACHMENT I). Volunteers will be permitted to begin working subject to completion of a satisfactory background check. Failure to execute the Release shall disqualify the individual from volunteering in a Juvenile Services Position.
- C. The county shall conduct random checks annually on 20% of all volunteers who continue to volunteer for the county or a rescue squad after the year in which a background check is first required.
- D. All volunteers must provide truthful, correct and complete information on the Release form. Failure to do so will result in disqualification from volunteering in a Juvenile Services Position.

### **III. APPLICABLE DATA BASES**

The county's Human Resource Management Department ("HRM") shall process each Release form received from a volunteer in order to receive information from the Central Criminal Record Exchange ("CCRE") maintained by the State Police; the Sex Offender and Crimes Against Minors Registry from State Police; and the Court Access Information System ("CAIS") maintained by the Virginia Supreme Court.

### **IV. BARRIER CRIMES/DISPOSITIONS**

The services of a volunteer shall not be accepted if the results of the background check show that the person has ever been convicted of any of the following crimes as set out in Title 18.2 of the *Code of Virginia* as may be amended or equivalent offenses in another state:

- A. **Crimes Against the Person**
  - 1. Murder and manslaughter (§ 18.2-30 et seq.)
  - 2. Malicious wounding by mob (§ 18.2-41)
  - 3. Abduction (§§ 18.2-47A, -48)
  - 4. Felony assault and bodily wounding (§ 18.2-51 et seq.)
  - 5. Robbery (§ 18.2-58)
  - 6. Carjacking (§ 18.2-58.1)

7. Extortion and other threats (§§ 18.2-59, -60)
8. Sexual assault (§ 18.2-61 et seq.)
9. Felony stalking (§ 18.2-60.3)
10. Any other felonies against the person as defined by the Code of Virginia
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

**B. Crimes Against Property**

1. Felony arson (§ 18.2-77 et seq.)
2. Burglary (§ 18.2-89 et seq.)
3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

**C. Crimes Involving Health and Safety**

1. Felony violation relating to the possession or distribution of drugs within five (5) years (§ 18.2-247 et seq.)
2. Drive-by shooting (§ 18.2-286.1)
3. Use of machine gun in a crime of violence (§ 18.2-289)
4. Aggressive use of machine gun (§ 18.2-290)
5. Use of sawed off shot gun in crime of violence (§ 18.2-300A)
6. Felonious discharge of firearms within or at occupied dwellings (§ 18.2-279)
7. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

**D. Crimes Involving Morals and Decency**

1. Failing to secure medical attention for injured child (§ 18.2-314)
2. Pandering (§ 18.2-355)
3. Crimes against nature involving children (§ 18.2-361)
4. Taking indecent liberties with children (§§ 18.2-370, -370.1)
5. Abuse and neglect of children (§ 18.2-371.1)
6. Obscenity offenses (§ 18.2-374.1)
7. Possession of child pornography or electronic facilitation of pornography (§§ 18.2-374.1:1, -374.3)
8. Incest (§ 18.2-366)
9. Abuse and neglect of incapacitated adults (§ 18.2-369)
10. Employing or permitting a minor to assist in an act constituting an
11. Obscenity offense (§ 18.2-372 et seq.)
12. Conviction of any attempts or conspiracies to commit any of the aforesaid crimes

**E. Crimes Against Minors** – Any conviction for a crime against the person or property of a minor, felony or misdemeanor, inclusive of the crimes set forth above.

**V. ALL OTHER CRIMES/DISPOSITIONS**

All other convictions or pending charges (excluding crimes against minors) revealed through a background check shall be considered on a case by case basis to determine whether or not the past conduct of the volunteer is compatible with working with juveniles. HRM, the Department Director, or designee, and rescue squad president or operations chief, in consultation with the County Attorney, shall determine whether such information disqualifies the volunteer. Among factors that may be considered in deciding whether an individual should be permitted to volunteer, consideration may be given to the nature and character of the past conduct; how the past conduct relates to the particular

functions of the volunteer's job; the length of time since the offending conduct; rehabilitation of the individual, if applicable; the volunteer's performance record; and how such conduct affects the integrity of the program. The volunteer shall be given an opportunity to provide evidence of any mitigating circumstances prior to a decision being made concerning the volunteer's qualifications for service. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible unless or until such charges are subsequently dismissed or the individual is found not guilty.

#### **VI. DISSEMINATION OF RESULTS/CONFIDENTIALITY**

All background search information shall be returned to HRM. All persons receiving background information regarding a volunteer shall maintain the confidentiality of such information in accordance with applicable law. HRM shall destroy such records after a final decision has been made to retain or terminate the services of a volunteer.

#### **VII. APPEAL**

Any volunteer whose services are rejected by the county as a result of information received from the background check may appeal such decision to the department director if the volunteer believes the department director's decision was based on inaccurate background information.

**RELEASE OF INFORMATION**

TO WHOM IT MAY CONCERN:

I hereby authorize the background investigator for Chesterfield County Human Resource Management to obtain records related to me, if any, from criminal justice agencies. I understand that the information released is for official use by Chesterfield County for the sole purpose of determining my eligibility to volunteer in the capacity designated below and may be disclosed to other persons only as necessary to determine my eligibility.

I understand that failure to provide all or part of the information may result in my disqualification as a volunteer. This release shall be effective on the date of its execution and expire upon completion of my background investigation.

Department/Agency: \_\_\_\_\_

Position: (if applicable) \_\_\_\_\_

Signature (Full Name): \_\_\_\_\_

Print Name (Full Name): \_\_\_\_\_

Other Names Used (Include Maiden): \_\_\_\_\_

Race: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Current Address: \_\_\_\_\_

Previous Address (Past 5 years): \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Phone No. (h) \_\_\_\_\_ (w) \_\_\_\_\_  
(Optional)